

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9903 of 2025

Arising Out of PS. Case No.-169 Year-2018 Thana- BAKHTIYARPUR District- Patna

Rakesh Kumar S/O Chaprasi Ji @ Gorkh @ Rameshwar Singh Resident of
village - Chakdaulat, Police Station - Bakhtiarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bakhtiarpur P.S. Case No. 169/2018 registered for the offences punishable under Sections 143, 147, 149, 283, 353 of the Indian Penal Code.

3. Petitioner along with other accused persons are said to have blocked the four lane near Mahavir Hotel and when the police party reached there to pacify the matter, they stopped the police vehicle and created hindrance in official duty of public servant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has



falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Nothing specific has been attributed against him. It is further submitted that from bare perusal of the FIR, it is crystal clear that the father's name of the petitioner in the written report as well as in accused column is fake and false and due to this reason, the petitioner did not take any legal course, but when the police started chasing the petitioner with correct name of his father and address, he knocked the door of law. There is no latches on part of the petitioner rather the wrongly mentioning of his father's name is simple and single reason of delay in taking the legal course by the petitioner. Learned counsel for the petitioner further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the instant case was lodged against the petitioner in the year 2018, but he moved for anticipatory bail in the year 2023 after abnormal delay of 5 years, hence he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the abnormal delay of five years in moving before the



learned Court below for anticipatory bail, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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